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IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR.

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WRIT PETITION NO. 3992 / 1994

PETITIONERS:

Divisional Forest Officer

✓ Social Forestry, Bilaspur and another.

Versus

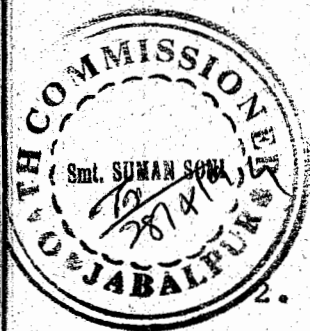
RESPONDENTS:

Daudi Patel & another

PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA:

1. Particulars of the Petitioners:

- (1) - Divisional Forest Officer,
Social Forestry, Bilaspur (M.P.).
- (2) - Forest Extension Officer,
Social Forestry, Post Office,
Pathariya District Bilaspur.



2. Particulars of the Respondents:

- (1) - Daudi Patel S/o Pirit Ram Patel,
aged 28 years, by occupation Labour
R/o Village Dhamni Post Sargaon
Tahsil Mungeli District Bilaspur.
- (2) - Presiding Officer,
Labour Court, Bilaspur.

KAT

मामला क्रमांक WP 3992/94 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>29.06.2005</u> Mr. P.S. Koshy, learned Dy. Advocate General for the State / petitioners. Mr. S.P. Kale, learned counsel for respondent No.1. Heard. The present petition is filed against the order dated 24.08.1994 passed by the Labour Court, Bilaspur in Case No.51/IDA/91(Ref.) (Annexure P-X). The undisputed facts in nutshell are that respondent No.1 was appointed as Chowkidar on daily wage basis in September, 1987 till 27.12.1990. Respondent No.1 was paid from muster roll in accordance with the rates fixed by the Collector. The appointment of respondent No.1 was purely on temporary basis on the basis of need. A reference was made under Section 10(1) of the Industrial Disputes Act, 1947 to the Labour Court to decide the following issue:- <i>"Whether the termination of service of Shri Dauji Patel is legal & proper and if not what relief he would be entitled to and what direction should be issued to the employer?"</i> The Labour Court, after considering the submissions of both the parties, vide order dated 24.08.1994 came to the conclusion that the termination of service of respondent No.1 is illegal and improper and held that the respondent No.1 was entitled to reinstatement with full back wages.	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 3912/94 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Subbu	Being aggrieved, the petitioners / employer filed this writ petition under Article 226/227 of the Constitution of India challenging the impugned order dated 24.08.1994 passed by the Labour Court, Bilaspur. Both the parties agreed that identical issue has been decided by the High Court of Madhya Pradesh, Jabalpur in W.P.No.3989 of 1994 (Divisional Forest Officer, Social Forestry and Another vs. Mohan Lal Yadav & Another) on 23.11.1995 whereby the petition filed by the employer / petitioners was dismissed with a direction that the respondent / workman would be entitled to back wages only from 27.07.1991 i.e. the date of reference, till the date of his reinstatement. It is informed by the learned counsel for respondent No.1 that the petitioners have not complied with the order of the Labour Court and respondent No.1 was not reinstated in the service. In view of the foregoing, the petition is dismissed directing the petitioners to reinstate respondent No.1 with immediate effect and make payment of back wages from 27.07.1991 i.e. the date of reference, till the date of his reinstatement, with interest @ 4.5% per annum. No order as to costs.	Sd/- Satish K. Agnihotri Judge